

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JAMES BASHON GARNER,

Plaintiff,

Case No. 2:05-cv-79

v.

Hon. Richard Alan Enslen

UNKNOWN NAPEL, et al.,

Defendants.

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**ORDER AND JUDGMENT**  
**APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

**THEREFORE, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge, filed December 14, 2006, is approved and adopted as the opinion of the court.

**IT IS FURTHER ORDERED** that plaintiff's complaint is **DISMISSED** for the reason stated in the Report and Recommendation.

Dated in Kalamazoo, MI:  
February 2, 2007

/s/Richard Alan Enslen  
Richard Alan Enslen  
Senior United States District Judge